

DETAILED ACTION

1. This is responsive to the RCE filed on 14 October 2008.
2. Claim 20 is still pending; claims 1 – 19 have been cancelled.

Response to Amendment

3. The declaration filed on 14 October 2008 under 37 CFR 1.131 has been considered but is ineffective to overcome the Schmid et al (US PGPub 2003/0234818) reference.

The evidence submitted is insufficient to establish a conception of the invention prior to the **effective date** of the Schmid reference. The effective date of Schmid is its filing date, the date it is effective as a reference under 35 U.S.C 102(e), 21 June 2002 and not its publication date.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Applicant has provided evidence in this file showing that the invention was owned by, or subject to an obligation of assignment to, the same entity as Schmid et al (US PGPub 2003/0234818) at the time this invention was made, or was subject to a joint

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research agreement at the time this invention was made. However, reference Schmid et al (US PGPub 2003/0234818) additionally qualifies as prior art under another subsection of 35 U.S.C. 102, and therefore, is not disqualified as prior art under 35 U.S.C. 103(c). Specifically, Schmid qualifies as a 102(a) reference.

Applicant may overcome the applied art either by a showing under 37 CFR 1.132 that the invention disclosed therein was derived from the invention of this application, and is therefore, not the invention "by another," or by antedating the applied art under 37 CFR 1.131.

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmid et al (US PGPub 2003/0234818) in view of Labiaga et al (USPN 6,185,615).

Claim 20:

Schmid discloses a system, comprising:

a processing unit; one or more input devices communicatively connected to the processor for generating one or more input signals; a memory module associated with the processor (Fig. 4 and related text), the memory module comprising:

a speech interaction module for receiving spoken commands from a user and generating computer-executable instructions from the spoken commands ("user can manipulate the desktop and its components using voice commands", [0006]); and

a speech interaction cancellation module for receiving an input signal from the one or more input devices and terminating a speech interaction session in response to

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the input signal ("The "Shutdown" method is utilized to shut down the speech system", [0029]).

However, Schmid does not explicitly disclose recording the computer-executable instructions in a log. Labiaga discloses producing computer transactions logs for computer-executable instructions (col. 2, lines 5-9).

It would have been obvious to one with ordinary skill in the art at the time of the invention to record Schmid's computer-executable instructions in a log in order to keep track and monitor them (Labiaga, col. 1, lines 12-15).

Schmid and Labiaga do not explicitly disclose wherein canceling the speech interaction session comprises reversing any operations performed during the speech interaction session.

It is admitted prior art that resetting an application to its default state is old and well known in the computing arts.

It would have been obvious to one with ordinary skill in the art at the time of the invention to reset the speech interaction session in Schmid and Labiaga's method in order to avoid entangling the program with previous data and computations.

Conclusion

7. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE**

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FINAL even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G. Neway whose telephone number is 571-270-1058. The examiner can normally be reached on Monday - Friday 8:30AM - 5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David R Hudspeth/
Supervisory Patent Examiner, Art Unit 2626

/S. G. N./
Examiner, Art Unit 2626